

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 DONALD A. SCOTT, JR.,

5 Plaintiff,

6 v.

7 HARRAH'S LLC,

8 Defendant.

Case No. 2:17-cv-01066-APG-VCF

**Order Accepting Report and  
Recommendation and Dismissing Case**

(ECF No. 4)

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10 On May 9, 2017, Magistrate Judge Ferenbach entered his Report and Recommendation  
11 recommending dismissal of the plaintiff Donald Scott's Complaint with prejudice because (1) Scott  
12 did not attach a "right to sue" letter from the EEOC, and (2) Scott is not a "qualified individual with  
13 a disability" that can assert a claim under the Americans with Disabilities Act. ECF No. 4. Scott  
14 filed an objection, to which he attached a "right to sue" letter. ECF No. 6.

15 I have conducted a de novo review of the issues set forth in the Report and Recommendation  
16 under Local Rule IB 3-2. Because Scott has now produced a "right to sue" letter from the EEOC,  
17 I reject that portion of Judge Ferenbach's Report and Recommendation. But Scott's objection does  
18 not rebut Judge Ferenbach's findings or conclusions that Scott cannot maintain a claim under the  
19 ADA. That portion of Judge Ferenbach's Report and Recommendation sets forth the proper legal  
20 analysis and the factual basis for the decision, and I accept and adopt it as my own. Therefore,

21 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 4) is accepted  
22 in part, and this case is DISMISSED with prejudice. The clerk of the court shall enter Judgment  
23 accordingly.

24 Dated: April 3, 2018.

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26 ANDREW P. GORDON  
27 UNITED STATES DISTRICT JUDGE  
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